

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-18 are presently pending in this case. Claims 1-5, 7-16, and 18 are amended by the present amendment. As amended Claims 1-5, 7-16, and 18 are supported by the original disclosure, no new matter is added.

In the outstanding Official Action, the title was objected to; Figure 14 was objected to; Claims 1-18 were rejected under 35 U.S.C. §112, first and second paragraphs; Claims 12-18 were objected to; and Claims 10, 11, and 18 were rejected under U.S.C. §101.

The title is amended herewith to match the title listed on the application data sheet. Accordingly, the objection to the title is believed to be overcome.

With regard to the objection to Figure 14, please cancel Figure 14. Accordingly, the objection to Figure 14 is believed to be moot.

With regard to the rejection of Claims 1-18 under 35 U.S.C. §112, first paragraph, that rejection is respectfully traversed. Claims 1, 7-12, and 18 are amended to recite “the service advertisement information corresponding to said device attribute information,” as suggested by the outstanding Office Action.

With regard to the scope of the independent claims, it is respectfully submitted that the independent claims do not need to recite every detail of every embodiment that one of skill in the art could construct after reading the present specification. In this regard, well settled case law holds that if a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met. See *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563, 19 USPQ2d 1111, 1116 (Fed. Cir.

1991). See also MPEP §2163. Accordingly, it is respectfully submitted the pending claims meet the written description requirement.

With regard to the assertion that there must be literal support in the original disclosure for Claim 18, it is respectfully noted that well settled case law explicitly forbids a “literal support” test. For example, *Martin v. Johnson*, 454 F.2d 746, 751, 172 USPQ 391, 395 (CCPA 1972) states that “the description need not be *in ipsius verbis* [i.e., “in the same words”] to be sufficient.” It is respectfully submitted that a skilled artisan would have understood the inventor to be in possession of the invention recited in Claim 18 at the time of filing.

Consequently, Claims 1-18 are in compliance with all requirements under 35 U.S.C. §112, first paragraph.

With regard to the rejection of Claims 1-18 under 35 U.S.C. §112, second paragraph, that rejection is respectfully traversed. Claims 1-5, 7-16, and 18 are amended to recite “the service advertisement information,” as suggested by the outstanding Office Action. Consequently, Claims 1-18 are in compliance with all requirements under 35 U.S.C. §112, second paragraph.

With regard to the objection to Claims 12-18, it is respectfully noted that Claims 12-18 do **not** invoke 35 U.S.C. §112, sixth paragraph, but instead recite structural features functionally in accordance with *In re Schreiber*. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). (See also MPEP §2114). Thus, Claim 12 recites structures configured to perform the claimed functions, without invoking 35 U.S.C. §112, sixth paragraph. Accordingly, Claims 12-18 have different scopes than Claims 1-6, and thus are not substantial duplicates thereof.

With regard to the rejection of Claims 10, 11, and 18 under 35 U.S.C. §101, that rejection is respectfully traversed. Claims 10 and 11 are amended to recite “a computer

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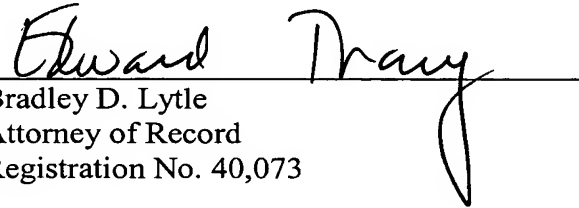
readable *storage* medium,” as suggested by the outstanding Office Action. Claim 18 is amended to explicitly recite physical components. Consequently, Claims 10, 11, and 18 are in compliance with all requirements under 35 U.S.C. §101.

Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Edward Tracy", is written over a horizontal line.

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